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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES TREMEL JAMES,

Defendant and Appellant.

B211823

(Los Angeles County  
Super. Ct. No. MA042686)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mark S. Arnold, Judge. Affirmed.

Anthony D. Zinnanti, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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## **INTRODUCTION**

Defendant Charles Tremel James appeals from a judgment entered following his conviction by a jury of one count of cruelty to an animal (a horse) for which he was granted three years formal probation. He filed a timely notice of appeal. We appointed counsel to represent him on appeal. After reviewing the record, counsel filed an opening brief, raising no issues and requesting that we undertake an independent examination of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. We affirm the judgment.

## **FACTUAL AND PROCEDURAL BACKGROUND**

Defendant was charged by information with two counts of cruelty to an animal in violation of Penal Code section 597, subdivision (b), specifically, to a horse (count 1) and to a dog (count 2). At trial, several prosecution witnesses testified to defendant's protracted failure to shelter, feed, water, and groom his horse and dog. As a result defendant's continued neglect, the animals' health deteriorated. A Los Angeles County Animal Control Officer confiscated defendant's horse and dog. Defendant testified in his defense he became unemployed and sublet his house. His tenant was supposed to care for the horse and dog, but failed to do so. According to defendant, he cared for the animals when he could.

The jury convicted defendant of count 1, cruelty to a horse, but acquitted him of count 2. At sentencing, the trial court placed defendant on three years formal probation, on condition he serve 180 days in county jail, with credit for time served. The court ordered defendant to pay a \$20 security fee and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45.

## **DISCUSSION**

On June 16, 2009, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response to date.

We have examined the entire record and are satisfied defendant's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

## **DISPOSITION**

The judgment is affirmed.

JACKSON, J.

We concur:

WOODS, Acting P.J.

ZELON, J.